

AO 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

JAN 19 2024

MITCHEL R. ELFERS
CLERK OF COURT

United States of America

v.

Matthew Valdez
 Jonathan Valdez
 Antonio Fraire

Case No. 24-65 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 7 and 8, 2023 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841(a)(1) and
 21 U.S.C. §§ 846(a)(1)

Offense Description

-Possession with Intent to Distribute Approximately 7.4 Kilograms of Cocaine.
 -Conspiracy to Possess with Intent to Distribute Approximately 7.4 Kilograms
 of Cocaine.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.


 Complainant's signature

DEA Special Agent Kyle Mullen

Printed name and title

Electronically submitted and telephonically sworn to before
 me.

Date: 1/19/24



Judge's signature

City and state: Las Cruces, NM

Barbara S. Evans, U.S. Magistrate Judge

Printed name and title

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ATTACHMENT "A"

AFFIDAVIT

I, Kyle Mullen, am a duly sworn Special Agent (SA) with the Drug Enforcement Administration (DEA), having been so employed since November 2023. While employed as a Special Agent with the DEA, I received specialized training in drug investigations and was designated by the Attorney General of the United States of America to be empowered with Title 21 authority, which authorizes me to seize and arrest individuals for violations of the Controlled Substances Act. I make this affidavit, in part, based on my personal training, experience, and, also, based upon information from other DEA Special Agents and other law enforcement officers, agents, and agencies in the United States. Because this affidavit is being submitted for the purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

FACTS

On October 26, 2022, DEA personnel installed a pole camera on a suspected cocaine stash house located at 6129 Night Fall Place, El Paso, Texas. Thereafter, agents utilized the pole camera to conduct surveillance on the residence. During that surveillance, agents observed activities and movements at the residence that were consistent with the operation of a drug stash house. Additionally, agents observed Matthew Valdez, Jonathan Valdez, and Antonio Fraire, all of whom are New Mexico residents, frequent 6129 Night Fall Place. During some of their visits to the residence, agents observed Matthew Valdez, Jonathan Valdez, and Antonio Fraire enter the residence and move vehicles in and out of the garage in a manner consistent with stash house operations. During surveillance, agents also identified several suspected courier vehicles that were observed entering and exiting the garage of 6129 Night Fall Place on multiple occasions. On several of those occasions, agents identified that Antonio Fraire, Matthew Valdez, and/or Jonathan Valdez were present and moved the suspected courier vehicles in and out of the garage of the residence.

Between February and March of 2023, DEA and Homeland Security Investigations (HSI) seized approximately 32.64 kilograms of cocaine from two vehicles that had been identified on the pole camera at 6129 Night Fall Place. In post-arrest interviews with couriers linked to the above cocaine seizures, 6129 Night Fall Place was positively identified as a cocaine stash house and the site where the seized cocaine was to be delivered. Additionally, Matthew Valdez, Jonathan Valdez, and Antonio Fraire were positively identified as the individuals who would receive cocaine loads at 6129 Night Fall Place, after the loads were imported from Mexico.

On February 7, 2023, agents conducted surveillance on 6129 Night Fall Place. At approximately 8:25 p.m., agents observed a New Mexico-plated, silver Kia Sportage, registered to Jonathan Valdez, arrive at 6129 Night Fall Place and park in the driveway. At that time, agents observed two males exit the vehicle. Agents then observed the garage door open and both males enter and exit the residence multiple times. At approximately 9:45 p.m., agents observed one of the males park the Sportage on the

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street in front of the house. Agents then observed a South Carolina-plated, silver Ford F-150 exit the garage of the residence and park on the street in front of the Sportage. At approximately 9:55 p.m., agents observed one of the males drive the Sportage into the garage, exit the vehicle, and close the garage door. At approximately 10:21 p.m., agents observed the garage door open and the Sportage exit the garage and park on the street. At that time, agents observed one of the males return the F-150 to the garage. At approximately 10:25 p.m., agents observed both males get into the Sportage and depart from 6129 Night Fall Place. As the Sportage left the area, agents observed the garage door close.

At approximately 10:30 p.m., agents observed the Sportage arrive at the Circle K gas station located at 5600 Desert Boulevard North, El Paso, Texas. At that time, agents observed Antonio Fraire exit the driver's seat of the Sportage and begin pumping gas. Agents then observed Fraire enter the convenience store of the gas station, return to the vehicle, get into the driver's seat, and drive the vehicle away from the gas station. Agents continued surveillance as the Sportage drove west on Interstate 10 toward New Mexico.

Subsequently, agents observed the Sportage enter the West Towne Market Place shopping center located at 6450 Desert Boulevard North, El Paso, Texas. Shortly after, agents observed the Sportage exit the shopping center and return to Desert Boulevard North, before merging onto Interstate 10 Westbound. This driving activity is consistent with the counter-surveillance maneuvers commonly performed by drug traffickers attempting to detect law enforcement vehicles.

At approximately 11:05 p.m., agents observed the Sportage exit Interstate 10 in Las Cruces, New Mexico. At approximately 11:09 p.m., via a pole camera installed by HSI personnel, agents observed the Sportage arrive at 2200 Holiday Space #85, the residence of Antonio Fraire. At that time, agents observed one of the males from the Sportage exit the vehicle and walk towards the residence. Agents then observed the Sportage leave the area.

Agents continued surveillance on the Sportage and observed it travel to the Valero gas station located at 5995 Bataan Memorial West, Las Cruces, New Mexico. Agents observed the Sportage park next to a fuel pump, facing the intersection of Bataan Memorial West and Porter Drive. After a brief period of time, agents observed the Sportage exit the gas station. This driving activity is consistent with the counter-surveillance maneuvers commonly performed by drug traffickers attempting to detect law enforcement vehicles. Agents continued surveillance on the vehicle.

Agents then observed the Sportage arrive at 5893 Coyote Flats Street, Las Cruces, New Mexico, the residence of Jonathan Valdez. At that time, agents observed the vehicle park in front of the residence for a short time before departing the area.

On February 8, 2023, at approximately 12:04 a.m., agents received a notification that the Sportage had passed through the United States Border Patrol Checkpoint located on Highway 185 in Las Cruces, New Mexico. At approximately 6:45 a.m., agents received another notification that the Sportage had passed a license plate reader on Interstate 25, traveling north, near Truth or Consequences, New Mexico.

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On February 9, 2023, Kansas Highway Patrol conducted a traffic stop on the Sportage in Wabaunsee County, Kansas. During the traffic stop, Jonathan Valdez was identified as the driver of the Sportage, and Matthew Valdez was identified as the passenger. During the traffic stop, Jonathan Valdez advised that they were traveling to Indiana, and both occupants appeared nervous when speaking with Kansas Highway Patrol personnel. Subsequently, a Junction City, Kansas Police Department canine conducted a sniff of the Sportage. During the sniff, the canine alerted to the presence of drug odor emanating from the vehicle. As a result, officers searched the vehicle. During the search, Kansas Highway Patrol personnel located an after-market, hidden compartment under the rear passenger seat of the Sportage. Upon accessing the compartment via its trap door, Kansas Highway Patrol discovered six bundles wrapped with black tape inside of the compartment. Five of the bundles contained a white, powdery substance which later field tested positive for the properties of cocaine and weighed approximately 7.4 kilograms. The sixth bundle contained rubber banded bundles of United States Currency totaling \$24,500. Matthew and Jonathan Valdez were subsequently taken into custody and transported away from the scene.


Subsequently, Matthew and Jonathan Valdez were released from custody, pending further investigation. Based on the above information, your affiant believes that Matthew Valdez, Jonathan Valdez, and Antonio Fraire did knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance and conspire to possess with intent to distribute, to wit approximately 7.4 kilograms of cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. 841 and 846, in the District of New Mexico. Prosecution of Matthew Valdez, Jonathan Valdez, and Antonio Fraire was accepted by Assistant United States Attorney Renee Camacho.

Dated this 19th day of January 2024.



Kyle Mullen
DEA Special Agent

SUBSCRIBED and SWORN to
me telephonically this 19th day of January 2024.



Barbara S. Evans
United States Magistrate Judge